

Serial No. 09/805,157

**REMARKS**

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1-17 are pending in the present application. Claims 1-17 are amended by the present amendment.

**STATUS OF THE DRAWINGS**

It is respectfully requested approval of the Drawings filed March 14, 2001 be acknowledged in the next Office Communication.

**CLAIM TO PRIORITY**

Also, it is respectfully requested the claim to priority and receipt of the certified copy of the priority document to Japanese Patent Application Number 2000-354249, filed with the present application on March 14, 2001, be acknowledged in the next Office Communication.

**REJECTIONS UNDER 35 USC § 112**

Claims 3, 7, 11, 14 and 15 were rejected under 35 USC § 112. Claims 3, 7, 11, 14 and 15 are amended to better conform to standard claim drafting practice and in light of the comments noted in the outstanding Office Action. Accordingly, it is respectfully requested this rejection be withdrawn.

**REJECTIONS UNDER 35 USC § 103**

Claims 1-4, 6, 7, 9-12, 14-17 were rejected under 35 U.S.C. § 103(a) as unpatentable over US Patent Number 6,366,298 to Haitzuka (herein "Haitzuka") and US Patent Number 5,966,696 (it is assumed the Examiner intended to refer to US Patent Number 6,236,330 B1, rather than US Patent Number 5,966,696) to Cohen (herein "Cohen"). This rejection is respectfully traversed.

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Amended independent claim 1 recites "determining a passage count of the mobile client in a predetermined advertising information transmission area in which the position information belongs and storing the passage count, the passage count including a number of times the mobile client passes within the predetermined advertising information transmission area," and "transmitting to the mobile client advertising information according to the passage count of the mobile client in the predetermined advertising information transmission area." Independent claims 12-17 are amended to recite similar features, support for which is found in the originally filed specification at least at page 6, lines 15-21.

As an advantage, in a non-limiting example, the contents of advertising information transmitted from a server to a mobile client can be set up based on the number of times the mobile client has passed through a transmission area. In the case of a first passage through the transmission area, the advertising information may simply point out the existence of a store (for example, Store B). However, when the mobile client has passed through the transmission area ten times, the advertising may be followed by incentive information such as an offer of a discount (see the specification at page 9, line 22 to page 10, line 8).

In contrast, Haitsuka only discusses stationary terminals such as PCs, which are different from a "mobile client" which passes close to a point in a predetermined advertising information transmission area, as recited in amended independent claim 1, for example. Further, because Haitsuka only concerns stationary terminals, it is respectfully submitted Haitsuka does not discuss or suggest at least "transmitting to the mobile client advertising information according to the passage count of the mobile client," in which the "passage count" includes "a number of times the mobile client passes close to a point in the predetermined advertising information transmission area," as recited in amended independent claim 1, for example.

Moreover, Haitsuka only discusses delivering information based on a length of stay (i.e., access time with respect to a web site), which is different from a "passage count including a number of times the mobile client passes within the predetermined advertising information transmission area," as recited in amended independent claim 1.

Further, Cohen only discusses a mobile display system including a detachable display. It is respectfully submitted Cohen also does not discuss or suggest the features recited in the amended independent claims.

Accordingly, it is respectfully submitted amended independent claims 1 and 12-17 and each of the claims depending therefrom patentably distinguish over Haitsuka and Cohen.

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Claims 5 and 13 were rejected under 35 USC § 103(a) as unpatentable over Haitsuka and US Patent Number 6,332,127 to Bandera (herein "Bandera"). This rejection is respectfully traversed.

Claim 5 depends on amended independent claim 1. As discussed, amended independent claims 1 and 13 are believed to patentably distinguish over Haitsuka. Further, Bandera only discusses displaying an advertisement on a user-specified web page at a user-specified position during a user-specified time of day, but also does not discuss or suggest the features of amended independent claims 1 and 13.

In addition, amended independent claim 13 recites "assigning the incentive information to the mobile client or clients that meet the conditions on the basis of the state of passage, the incentive information including an amount of award points based on the state of passage," and "transmitting the incentive information including the amount of award points to the mobile client." Independent claim 17 is amended to recite similar features, support for which is found in the originally filed specification at least at page 20, lines 15-19.

As an advantage, in a non-limiting example, points may be used which are given based on the passage count. The points given with each passage may be fixed or may change based on periods of time.

In contrast, Haitsuka and Bandera do not discuss or suggest such features.

Accordingly, it is respectfully submitted claims 1, 5, 13 and 17 and each of the claims depending therefrom also patentably distinguish over Haitsuka and Bandera.

Claim 8 was rejected under 35 USC § 103(a) as unpatentable over Haitsuka, Cohen and US Patent Number 6,360,221 to Gough (herein "Gough"). This rejection is respectfully traversed.

Claim 8 depends on amended independent claim 1, which as discussed is believed to patentably distinguish over Haitsuka. Further, Gough only discusses electronic mail accompanying an advertisement including a self-executing programmable enhancement, but also does not discuss or suggest the features of the amended independent claims.

Accordingly, it is respectfully submitted claims 1 and 8 also patentably distinguish over Haitsuka and Gough.

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**CONCLUSION**


Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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